

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA

JUNE 2, 2010

5:32 p.m.

CALL TO ORDER

Mayor Krieger called the City Council meeting to order.

INVOCATION/PLEDGE

Steve McClanahan, Pastor of the First Church of the Nazarene, gave the invocation. **Jack McArthur**, Fire Chief, led the City Council in the pledge of allegiance.

ROLL CALL

Councilmembers Present:	Stuart, Mendoza, Beeson, McClendon, Brooks-Gurrola, Johnson and Mayor Krieger
Councilmembers Absent:	none
Staffmembers Present:	City Administrator, Gregory K. Wilkinson Finance Director, Pat Wicks Director of City Engineering, Paul E. Brooberg Director of Parks and Recreation, Becky Chavez Senior Planner, Noah Cullis Director of Community Development, Laurie Lineberry Various Department Heads or their representative City Clerk, Lynda L. Bushong

FINAL CALL

Mayor Krieger made a final call for the submission of Speaker Request Forms from members of the audience.

PRESENTATIONS - none

I. CALL TO THE PUBLIC

Jack Kretzer, 761 W. Queens Place, stated that several years ago the City of Yuma proposed to buy mobile home parks on 3rd Street between the canal and 13th Avenue. It was noted then that the mobile homes were so small that people were crowded into them. He urged City Council to consider a minimum housing code and occupancy permit which would require a home to be inspected by the City to ensure it is habitable before it is used; this would avoid overcrowding. Other communities in Arizona should implement this process to help keep property values high and to avoid buildings from being used as drop houses.

Diane Umphress, Director of Amberly's Place, 1350 W. Colorado Street, stated that she met with the directors of the 17 advocacy centers throughout the State of Arizona. At that meeting she learned 19% of the victims in Arizona went through Amberly's place. People are becoming comfortable with the reporting process; fear is lessening because of the support available to victims. She thanked the City Council for their continued support of Amberly's Place.

II. MOTION CONSENT AGENDA

Motion (Mendoza/McClendon): To adopt the Motion Consent Agenda as recommended. Voice vote: **approved 7-0.**

A. Approval of minutes of the following City Council meeting:

Special Worksession

February 23, 2010

B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)
2. Approve a new Beer and Wine Store (#10) Liquor License application submitted by So Mui (aka Linda) Woon, agent for Lincoln's Market, 1840 Arizona Avenue, Yuma, Arizona. (LL10-09) (Admin/Clerk)
3. Approve a new Restaurant (#12) Liquor License application submitted by Monica Bracamontes, agent for Las Herraduras Mexican Restaurant, LLC, dba Las Herraduras, 2256 S. 4th Avenue, Yuma, Arizona. (LL10-11) (Admin/Clerk)
4. Authorize insurance coverage for Property, Public Liability (including Employee Benefits, Public Officials, Employment Practices, Liquor, Law Enforcement and Auto), Excess Liability, Crime/Dishonesty, Underground Storage Tanks, Excess Workers Compensation, Cyber Liability and Auto Physical Damage coverage for Fiscal Year 2010-2011 in the total amount of \$527,087. (Risk Mngmt)

III. RESOLUTION CONSENT AGENDA

In regards to R2010-35, **Johnson** asked what the overage would be from the Residential Solid Waste Collection fee. **Wicks:** \$236,482. **Johnson** stated that traditionally, the City has provided free solid waste pick up for the residents. The Environmental Solid Waste fee is a charge that covers the disposal of hazardous waste, alley clean up and the landfill tipping fee. If the intention is to have Solid Waste sustain itself, then the residents are being overcharged. Homeowners taxes are being increased by \$60/year, yet an overage of \$236,000 is anticipated; the Residential Solid Waste collection fee is a backdoor tax increase. While trying to balance the budget, City Council continues to restore funding to various outside agencies.

McClendon stated that during budget discussions, the possibility of an overage was raised and it was stated it could be used to lay the ground work for a recycling program. The money would have to stay in the sanitation/solid waste program, correct? **Wicks:** Yes, the \$236,000 would become an undesignated fund balance. As previously explained, the Solid Waste Fund has existed for many years and has never had a fund balance because the difference had always been made up by the General Fund through transfers in to balance the account. For the account to be able to sustain itself, staff must account for all of the costs of solid waste within the fund and charge accordingly. From an operational standpoint, it is important to have

a fund balance for ongoing solid waste expenditures, providing for a more steady cash flow. The fee isn't necessarily an overcharge; rather it is a starting point to generate a small fund balance for the next year. Staff will try to maintain the rate as long as possible. However, with the Equipment Replacement Program (ERP) currently suspended, the amount of the Residential Solid Waste fee will have to be reconsidered when the ERP is reinstated. The fee only applies to residential customers, not commercial customers.

Johnson asked if there is any legislation prohibiting the use of these fees outside of solid waste. **Wicks** noted that in an enterprise fund the legislation enabling the fee applies to municipalities. There is no legislative prohibiting the use of the excess monies for another fund; however, the City complies with the generally accepted accounting principals, which require that special revenue funds be used for the purpose in which they were collected. So, indirectly there is a limitation on where the funds can be spent. Examples, however, can be seen throughout the State where enterprise funds are used for General Fund purposes.

Wilkinson stated that the City is not anticipating another \$5 fee for the Equipment Replacement Program. There are 22,000 homes serviced each month. \$200,000 is needed to replace a trash collection vehicle. An additional \$1 to \$2 should be enough to provide for equipment replacement. **Mayor Krieger** recalled the discussion stating the \$5 would be a starting point. Staff is sensitive to citizens' budgets but recognizes the fee will have to be revised in the future and another revenue source will have to be determined to fund the replacement of the garbage trucks.

Speaker

Jack Kretzer, 761 W. Queens Place, stated the reason this is being called a fee is because the voters must approve a tax and the City doesn't trust the voters. There is no State law requiring the City to collect trash twice a week. The only State requirement is there cannot be flies; if there aren't flies trash collection can be done once a week. Also, the life cycle of the trucks would be extended if trash collection is cut to once a week. The City could utilize a second pick up each week for recyclables; although there may not be enough people participating to collect recycling once a week. He urged City Council not to charge \$5 per month, it's too much.

McClendon stated that a lot of families share one container which is located in an alley. It would not be feasible to collect those containers once a week because the trash would begin to overflow. It is a good idea to continue with twice a week pick ups. The City is currently looking into recycling given the level of community support. It is difficult to implement a fee, but, in order for the community to continue to grow, the City needs a Residential Solid Waste Collection fee.

Motion (Mendoza/Beeson): To approve the Resolution Consent Agenda as recommended, with the exception of R2010-35 which was removed by Johnson for a separate vote.

Bushong displayed the following titles:

Resolution R2010-31

**A resolution of the City Council of the City of Yuma, Arizona, declaring and adopting the official canvass of the results of the Special Election held on May 18, 2010
(2% Hospitality Tax) (Admin/Clerk)**

Resolution R2010-32

A resolution of the City Council of the City of Yuma, Arizona, declaring a certain document titled, "Zoning Code Reformat (March 2010)," a public record and ordering its filing in the office of the City Clerk

(Z2010-001; Chapter 154, Yuma City Code) (DCD/Planning)

Resolution R2010-33

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Transportation Development Fee Credit Agreement with the Owner and Developer of the Livingston Ranch Subdivisions

(Owner: Kammann Properties, Inc. and Kammann Development, LLC) (Eng)

Resolution R2010-36

A resolution of the City Council of the City of Yuma, Arizona, authorizing City sponsorship of resolutions for adoption by the League of Arizona Cities and Towns (League) for inclusion in the 2011 League platform

(Admin)

Roll call vote: **adopted** 7-0.

Resolution Removed for Separate Consideration

Resolution R2010-35: Residential Solid Waste Collection Fee Authorize collection of a five dollar (\$5.00) per month Residential Solid Waste Collection Fee. (Finance)

Motion (McClendon/Stuart): To adopt Resolution R2010-35, as recommended.

Bushong displayed the following title:

R2010-35

A resolution of the City Council of the City of Yuma, Arizona, establishing a Residential Solid Waste Collection Fee and providing procedures for collection of such fee

(Fee amount: \$5) (Fin)

Mendoza stated that although he originally voted for the fee, he is in agreement with Councilmember Johnson; the fee is an indirect tax that will incur a \$236,000 overage.

Beeson suggested the City research where the environmental fees are used and possibly reduce some services. Seeing no indication of reduction he expressed his opposition.

Roll call vote: **adopted** 4-3; Mendoza, Beeson and Johnson voting nay.

IV. TEN-YEAR CAPITAL IMPROVEMENT PROGRAM AND 2010-11 CITY OF YUMA BUDGET

Resolution R2010-34: 2010-2020 Ten-Year Capital Improvement Program - Adopt the 2010-2020 Ten-Year Capital Improvement Program, pursuant to the Yuma City Charter, Article XIII, Sections 10 and 11. (Eng)

Johnson stated that CIP project number 5.9402 (reconstruction and rebuild of 32nd Street between Avenue A and Avenue B) indicates that \$1,124,000 will be dedicated to the project in the coming fiscal year. Will that amount be sufficient to rebuild the street? **Brooberg**: No, the money is intended to complete the design and acquire additional rights-of-way; additional funding will have to be sought to complete the project.

Johnson asked if \$2,377,000 is available in the current fiscal year to complete the 24th Street project between Avenues B and C. **Brooberg** stated that funds are in the budget for work leading up the widening of the roadway. Currently, construction of a stormwater basin, lift station and underground work for Arizona Public Service (APS) distribution facilities is underway.

Johnson stated that 32nd Street between Avenues A and B, and 24th Street between Avenues B and C are both in poor condition. Project 5.8322, Arizona Avenue between 32nd Street and 40th Street, shows \$550,000 for Fiscal Year 2010-2011 for design and \$4,450,000 for construction in Fiscal Year 2010, is that correct? **Brooberg**: Yes, the money in FY2010-2011 is not only for design but also for the identification of additional rights-of-way needed for the roadway. The construction and widening of the roadway will occur in FY2011-2012.

Johnson stated the voters approved a ½ cent sales tax for roads in 1993 that specifically stated the core projects would be the widening of 32nd Street from Avenues A to B and the reconstruction and widening of 24th Street between B and C. These projects should have been completed by 1998. The City doesn't have the money for the work on 32nd Street but money is available for Arizona Avenue. Johnson gave the following statistics: 32nd Street's average daily traffic is over 20,000 cars a day; 24th Street's traffic is around 12,000 cars a day; and Arizona Avenue, from 32nd Street to 40th Street, has an average daily traffic count of 5345 at the north end with less than 3,000 at the south end. Money is being spent in the wrong places; staff needs to prioritize the projects. \$5 million should not be put into Arizona Avenue when other roadways are in much more dire condition.

Brooberg explained the 24th Street project is being funded by money that was specifically collected for improvements of the roadway, which is why the project is being targeted at this time. 32nd Street does take a lot of traffic; however, the City is still in the design phase for that roadway. Staff will have completed design drawings for the project by early fall and the drainage portion of the project should be completed by Labor Day 2010. The Capital Budget First Year is the only part of the CIP that is approved with the fixed budget dollars; however, the funds can be adjusted between projects accordingly. The program is the best staff can offer City Council without limiting it to three large projects. The Capital Budget for the next fiscal year is approximately \$550,000 into the Arizona Avenue project; the project has been in the CIP for numerous years, but has only been active for three years. There is continued development along the 40th Street corridor between Arizona Avenue and Avenue A. Staff is asking the City Council to only commit to the design so that staff can speak factually in predevelopment meetings with developers.

Johnson stated that his comments are not intended as criticism of staff; however, there are a lot of citizen complaints regarding 32nd Street. **Brooberg** stated that staff shares this frustration, but the Road Tax did not have Avenue A as a core project. It was Arizona Avenue.

Motion (Beeson/Mendoza): To adopt Resolution R2010-34, as recommended.

Bushong displayed the following title:

Resolution R2010-34

A resolution of the City Council of the City of Yuma, Arizona, adopting the Ten-Year Capital Improvement Program for Fiscal Years 2011-2020

(Eng)

Johnson explained his vote is in reflection to the frustration over not being able to address the proper streets over the last 20 years.

Roll call vote: **adopted** 6-1; Johnson voting nay.

Preliminary Budget for Fiscal Year 2010-2011: Adopt the City of Yuma Preliminary Budget for Fiscal Year 2010-2011 in the amount of \$245,690,478, which includes a Capital Improvement Program Budget of \$98,832,673, and an Operating Budget of \$146,857,805. (Finance/Admin)

Stuart stated that with the financial crisis and budget crunches, Council has attempted to balance the budget and cut funding to outside agencies without giving proper notification so they can prepare for budget cuts. A temporary fix for this fiscal year will be proposed, Fiscal Year 2012 will be a bigger challenge.

Motion #1 (Stuart/Beeson): To approve the addition of \$162,000 to the Contingency Fund with the intent of restoring funding to: Humane Society, Greater Yuma Economic Development Corporation, Yuma Port Authority, and Yuma Heat.

Wilkinson clarified that the City does have a contingency line in the budget; the amount of \$162,000 can be added per the motion with the intention the funds will go to the specified agencies.

Speakers

Julie Engel, Greater Yuma Economic Development Corporation (Greater Yuma EDC), 899 E. Plaza Circle, Suite #2, stated that the City has a 23% unemployment rate; reducing funds to Greater Yuma EDC reduces marketing efforts that bring industries to Yuma that in turn create jobs. Greater Yuma EDC's funding needs to be restored to the 2008-09 budget level of \$275,000. When the City Council reduced the budget by 10% in 2009-2010, the funding was offset by a grant from Yuma Private Industry Council (YPIC); however, the grant no longer exists. Greater Yuma EDC's budget is small and any reduction is significant enough to impede its effectiveness. She urged the City Council to support the increase in order for Greater Yuma EDC to maintain its efforts, attract industry and offset the unemployment rate.

Jack Kretzer, 761 W. Queens Place, stated that the outside agencies don't pay the City's salaries, bills or costs to operate; City taxpayers do. The CIP should be adjusted to prioritize 32nd Street. In the budget, \$488,237 is coming out of the 2% Hospitality Tax to pay for personnel; what personnel is that? Is the City Council aware of how the 2% sales tax will be spent? Is the information from staff being reviewed? A request for public records was submitted to the City Clerk in regards to this information; however, it has yet to be filled. He urged the City Council to vote no.

Wicks stated that the Art Center was moved into the 2% Hospitality Budget, which includes Art Center personnel.

Andrew Gould, Yuma Heat, 2296 W. 22nd Lane, urged the City Council to restore funding to the Yuma Heat. He discussed the following:

- Six months ago, the Yuma Heat and the City Council discussed partnering to keep the pool open.
 - Without this partnership, Marcus pool would have been closed and all of the programs held there would have been lost - programs that involved people of all ages and all socioeconomic groups.
- The amount discussed to keep the pool open was \$35,000.
 - There are fixed costs associate with Marcus pool.
 - Because the pool can't be drained, the water must be constantly treated.
 - The real costs are for gas and electric.
 - Last year, the costs were estimated at \$65,000; however, by imposing simple cost cutting measures the Yuma Heat was able to save 35% on gas and electric.
- Revenues were increased by 125% - from \$12,000 to \$27,000
 - In previous years, the Marine Corps conducted small scaled trainings; however, this year they wanted to do large scale training in which Yuma Heat successfully coordinated the training
 - Because of the relationship that has developed between the Yuma Heat and the Marine Corps; MCAS is considering expanding the training.
- The contract required the pool to be no less than 82 degrees - the pool was kept at 86 degrees.
- The customer base is happy.
- Yuma Heat lived up to their end of the contract.
 - Adjustments were made to better run the pool.
 - Communication was improved between City staff and the Yuma Heat
- The Yuma Heat successfully maintained the year round program, continued to build swimming in Yuma by making Yuma a destination for swim meets, and allowed the citizens the ability to swim.

Mendoza asked about revenues. **Gould** stated that as he recalled, the money went into a City of Yuma account that Yuma Heat used to pay the bills. Upon receipt of the final bills, the remainder of the money will be turned over to the City of Yuma.

Captain Jonathan Harvey, Salvation Army Boys and Girls Club, 600 W. Catalina Drive, stated the well-being of children in Yuma is at stake this evening because a cut to the Salvation Army Boys and Girls Club has been proposed. He addressed the following:

- Ten years ago, the Salvation Army was called in to assist the Boys and Girls Club due to an internal crisis.
- The Salvation Army assumed leadership and oversight, and the result has been tremendous.
 - In doing so, they significantly reduced the City of Yuma's financial commitment to the program.
- The maintenance of buildings and improving the reputation was assumed by the Salvation Army.

- The Salvation Army has continued to build an excellent program that has produced many fine adults.
 - Recently, a young lady who came through the program was sent to attend a university in Phoenix.
- The Boys and Girls Club detours children from sitting in front of video games, sitting at home alone, participating in gang activity and other criminal activities.
- Many children in the program come from dysfunctional homes.
- Support from the City of Yuma has diminished from over \$100,000 to the proposed \$5,400
- The Boys and Girls Club has continued to enrich the lives of children in Yuma
- There is a cost and an impact to the children when funding is eliminated or reduced to organizations such as the Boys and Girls Club.
- Last year, City funding provided 200 children the opportunity to attend the Boys and Girls Club program.
- That amount has been recommended to be cut in half, which means:
 - 100 additional children will potentially be left at home alone this summer while their parents struggle to work and make ends meet.
 - 100 additional children may be introduced to drugs
 - 100 additional children that will potentially get their hands on a spray can
 - 100 additional children who may not get the love, affection, the positive affirmation, and the education they need to one day sit on City Council

Continuing **Captain Harvey** stated there has been a slogan used by the Salvation Army Boys and Girls Club "Will you be the one?" Will you be the one that stands up for the kids and invests in their future? As a nonprofit organization director, the decisions are understandably difficult as the Salvation Army has been in the same predicament making drastic cuts to the organization; however, it has been the goal to ensure the cuts did not impact the programs and services to the community. He urged the City Council to continue their commitment to the Salvation Army Boys and Girls Club of Yuma.

Motion (Beeson/McClendon): To amend motion #1 by restoring funding to the Salvation Army Boys and Girls Club at a total of \$10,800, bringing the total Contingency Fund allocation to \$172,800. Roll call vote: **adopted** 6-1; Mayor Krieger voting nay.

Johnson asked about the discrepancies between the information given to the City Council and the figures quoted by Yuma Heat concerning the total costs of running Marcus Pool. Is the pool drained if it is not used? **Chavez:** Marcus Pool cannot be drained. She presented the following information:

Month	Revenues Collected by the City	Subsidies Paid by City	Onsite Revenues Collected by Yuma Heat
October	1,424	337	584.25
November	888	102	1,326
December	1,686	1,559	1,057
January	5,089	71	1,276
February	44	161	1,370
March	5,553	1,202	1,321
April	662	98	Not yet available
Total	16,246	3,459	7,134.25
City paid Yuma Heat to operate pool			60,000
City paid Yuma Heat subsidy for programs			3,459

City registered participants and collected revenues for Yuma Heat	16,246
City absorbed all credit charge transaction fees	
Yuma Heat collected revenues onsite at Marcus Pool	7,134.25
Total revenues to Yuma Heat	86,939.25

When people signed up at the Parks and Recreation Department counter for Marcus Pool activities, the money was sent directly to Yuma Heat by check. The subsidy is in connection with a program that Yuma Heat wanted to charge more for than the City wanted participants to pay; therefore, the City paid the difference to Yuma Heat. The total amount paid to Yuma Heat to operate Marcus pool was \$60,000, plus the subsidies and fees collected on behalf of the Yuma Heat equaled \$86,939.25. **Johnson** recalled figures from a previous information sheet. **Chavez** stated the Johnson is remembering "Option 2", an option presented to the City Council by Staff earlier in the year; it projected reduced expenses for both the Marcus and Carver pools. The major costs at Marcus Pool are staffing and gas. **Johnson** stated that based these figures, the taxpayers paid \$63,459 to subsidize the winter swimming programs at Marcus Pool. **Chavez** confirmed his conclusion. **Johnson** asked where the additional money was spent. **Chavez** stated it was likely spent on staffing and marketing costs. **Johnson** asked if the money provided to the Yuma Heat was used to pay the gas bill. **Chavez**: Yes. **Johnson** concluded that with an average of 78 swimmers per day and a total cost of \$86,939.25, it cost over \$1,000 per swimmer last season.

Chavez: During the winter, Yuma Heat had a couple of rentals and offered the City's regular recreation programs. The average daily attendance was 129 per day, which includes the programs available such as the Adaptive Aquatics. If the pool were to close, or stay open without heat, the City would look for alternative places to direct the current users. The Schechert Center in the Foothills offers a program similar to the City's Adaptive Aquatics; the exercises in both programs are derived from the National Arthritis Foundation. The Yuma Heat has other options in the community; Arizona Western College (AWC) being the best alternative.

McClendon asked about AWC's pool. **Chavez**: AWC's pool has more lanes, which would be ideal for Yuma Heat; the lap swimmers would also be allowed to swim at AWC. **McClendon** asked if the proposed \$35,000 to the Yuma Heat would suffice. The contract would have to be evaluated due to certain areas not kept up to standard. The Yuma Heat feels that they will be capable of maintaining the pool for the next season at that amount. **Chavez** stated staff would be happy to keep the pool open; however, utilization of professional staff is recommended to operate the pool. Staff would charge \$8,500 a month for seven months, October through April, to cover operations and maintenance of the pool, for a total of \$59,000. This idea has been presented to Yuma Heat. Staff would look at the incoming revenue as well and subtract it from the \$59,000. Yuma Heat would be happy if the Parks and Recreation Department ran the winter swim program; the revenues remaining, \$13,000 would be rolled over into the next season as well; the goal is to keep the pool open during the winter. **McClendon** asked if the revenues would be subtracted from the \$59,000. **Chavez**: That is what they indicated. If the City keeps the pool open, the Yuma Heat would dedicate the \$13,000 to support winter swimming.

Mayor Krieger clarified that the contract is not being negotiated at this time; City Council is determining whether or not to fund the Yuma Heat for the upcoming season. **Stuart** stated with the revenue rolling over, the future revenue and the City's contribution of \$35,000 the City has reached a point where there is a doable plan that enables Parks and Recreation to run the pool. **Chavez**: That's correct; however, for budgeting purposes the City would show an expenditure of \$60,000.

Beeson asked Gould to respond.

Gould explained that the numbers he presented were estimates. The total amount of revenues collected, approximately \$27,000, is well over 125% more than was collected last year, therefore, Yuma Heat honored its commitment to increase revenues at the pool. Concerning the average cost per day, there were 20,000 splash day events at Marcus Pool last season. Using the total cost of \$86,939.25, that averages out to approximately \$4 per event.

- Yuma Heat collected over \$27,000 in revenues
 - Approximately \$13,000 will be returned to the City
- Costs:
 - Gas: \$29,991
 - Electricity: 8,744
 - Water \$2,360
 - Based 80% of the year, a period of time longer than Yuma Heat operated the pool:
 - Chemicals: \$10,000
 - Supplies and staff: unstated
 - Total costs: \$82,000

Gould concluded that expenses offset by revenues, minus fixed costs that are going to have to be paid regardless of use, brings the operation almost to revenue neutral. For \$35,000, Yuma Heat can keep the pool open. City staff did not think Yuma Heat could run the pool on the amount money it was getting last year, but it did. There have been issues raised about Yuma Heat's operation of the pool questioning its safety, however, pools are inherently risky and he resents anyone saying he would put his own child in an unsafe pool. Marcus Pool was run as safely as any other public pool in Yuma. If the City is going to set an impossibly high standard, then Yuma Heat and Marcus Pool will be out of operation.

Amended Motion #1 (Stuart/Beeson): To approve the addition of \$167,400 to the contingency fund with the intent of restoring funding to: Humane Society, Greater Yuma Economic Development Corporation, Yuma Port Authority, Yuma Heat, and the Salvation Army Boys and Girls Club.

Roll call vote: **adopted** 6-1; Johnson voting nay.

Beeson declared a conflict on the Strategic Communications Division 1012 budget.

Motion #2 (Mayor Krieger/Johnson): To approve the Preliminary Budget for Fiscal Year 2010-2011 for the Strategic communications Division 1012 budget in the amount of \$636,180. Roll call vote: **adopted** 6-0-1; Beeson abstaining due to a conflict of interest.

Motion #3 (Stuart/Beeson): To approve the Preliminary Budget for Fiscal Year 2010-2011, for a total amount of \$229,840,738 which includes a Capital Improvement Program budget of \$87,632,349 and an Operating budget of \$142,208,389, with the exception and reduction of the Strategic Communications Division 1012 budget in the amount of \$636,180. Roll call vote: **adopted** 6-1; Johnson voting nay.

V. ADOPTION OF ORDINANCES CONSENT AGENDA - none

VI. INTRODUCTION OF ORDINANCES - none

VII. PUBLIC HEARINGS

Annexation Area No. A2010-03: Humane Society of Yuma, Inc. Public Hearing to consider the annexation of property generally located at the southwest corner of Avenue 4½E and 40th Street. (A2010-003) (DCD/Planning)

Mayor Krieger opened the public hearing at 7:38 p.m.

Cullis presented the following information:

- A preannexation agreement with the owner of the property was signed on December 16, 2009
- Immediate vicinity: east, west and south is agricultural and north is industrial
- The property is 4.8 acres and is currently under development
- The intent is to develop a new animal shelter, obtain City water, sewer and fire protection. This new shelter will replace the existing shelter at 285 North Figueroa Avenue.
- No public comment has been received.

Motion (McClendon/Mendoza): To close the Public Hearing on Annexation Area A2010-03. Voice vote: **adopted** 7-0; Public Hearing closed at 7:40 p.m.

Mendoza declared a conflict of interest on Ordinance O2010-30.

Ordinance O2010-30: Statutory Compliance Hearing for Ordinance O2006-60 and Introduction of an Amendment to Ordinance O2006-60. Public Hearing pursuant to A.R.S. § 9-462.01 to determine compliance with the conditions of approval for rezoning Ordinance O2006-60, and introduction of an ordinance to amend O2006-60. (DCD/ Planning)

Mayor Krieger opened the public hearing at 7:40 p.m.

Lineberry presented the following information:

- Typically, a rezone will have conditions attached with a time frame in which those conditions must be met.
 - Most approved re-zonings meet those conditions; however, some do not.
 - In times past, if a rezoning condition weren't met within the timeframe, the property would revert to its prior zoning.
 - State law has changed and now the case must come before the City Council for a statutory compliance hearing.
 - Several options are available to the City Council:
 - Rezone the property as if the owners have met the conditions; or,
 - Decide that the property should revert to its original zoning.

- The ordinance extends the timeframe of the rezoning expiration to today's date.
- In this case, the City has done changes to the roadways that eliminate the need for the previous condition – the dedication of 4' of road right-of-way. Since the dedication is no longer needed, the property must be dedicated back to the owner and removed as a condition from the rezoning case.
- Staff recommends rezoning both properties involved to Transitional (TR).

Moore explained that it's typically not necessary to make a motion to introduce an ordinance; however, a motion would provide a better record of compliance. **Mayor Krieger** asked if the motion is intended to remove the requirement for the dedication of 4 feet of eastern 1st Avenue right-of-way. **Lineberry**: That is correct.

Speakers

Doug Hipp, Development Design Engineering, 265 S. Main Street, stated the parties are in agreement with staff and available for questions.

Jerry Lococo, 439 S. 1st Avenue, stated they would like to clear up issues and proceed to the next step.

Motion (Stuart/Beeson): To introduce Ordinance O2010-30, which removes the requirement for the dedication of 4 feet of eastern 1st Avenue right-of-way and extends the requirement for completion of all conditions from 2 years to 4 years.

Bushong displayed the following title:

Ordinance O2010-30

An ordinance of the City Council of the City of Yuma, Arizona, amending Ordinance O2006-60 to delete the requirement of a four foot (4') right-of-way dedication on 1st Avenue and to extend the time for compliance with conditions from two years to four years for the rezoning of certain properties from the High Density Residential /Historic/ Bed and Breakfast Overlay (R-3/H/BB) District to Transitional /Historic /Bed and Breakfast Overlay (TR/H/BB) District, and amending the zoning map to conform thereto
(Eng)

Roll call vote: **adopted** 6-0-1; Mendoza declaring a conflict of interest.

Motion (Beeson/Stuart): To close the Public Hearing. Voice vote: **adopted** 7-0; Public Hearing closed at 7:48 p.m.

VIII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Motion (Beeson/Brooks-Gurrola): To approve Janet Pierson as Deputy City Clerk. Voice vote: **approved** 7-0.

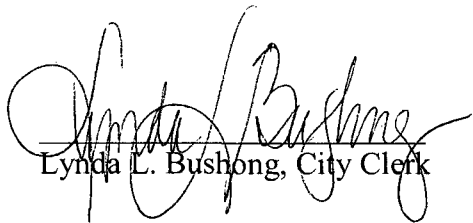
IX. SUMMARY OF CURRENT EVENTS

Wilkinson reported:

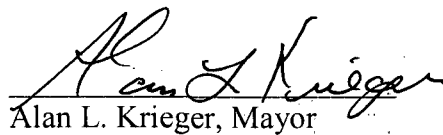
- A Joint Strike Fighter meeting at MCAS-Yuma
- A change of command ceremony held at the Marine Corps Air Station.
- A funeral for Captain David Irr, Rural Metro firefighter; the family extends their appreciation to the Yuma Fire Department and Rural Metro Fire Department for their support.
- Event at the Pivot Point last night; he thanked everybody who brought the project together.
- Vendor permits are available to so vendors are able to sell their products in City parks.

X. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Krieger** adjourned the meeting at 7:51 p.m. No Executive Session was held.


Lynda L. Bushong, City Clerk

APPROVED:


Alan L. Krieger, Mayor

